REMARKS

The foregoing amendment is submitted after consideration of the final Office Action to assist in understanding the differences between the claimed invention and that of the most recent cited prior art. As will be shown below, no new matter has been added and the sole purpose of the amendment is to further define the encoded game data portion so that the Examiner can appreciate how the claimed invention is materially different than the prior art, especially the Ehrhart et al. reference (U.S. Patent No. 6,419,157).

In particular, the encoded gaming data portion is further defined as set forth in the first full paragraph on page 8 of the specification. More specifically, this portion of the play area is divided into two regions, namely, a game data region and a non-game data region. The game data region is where the actual symbols or icons used to indicate a prize or play symbol are located. For example, an icon may be a number where a prize may be awarded if the same number appears in several places (cells or boxes) of the play area. A non-game data region is one that does not have the symbols or icons and typically surrounds the game data region. It is the game data region and the non-game data region which is the subject of the present invention.

The amendments made to claim 1 and to corresponding method claim 29 therefore do not add new matter to the claims nor do they expand the scope of the claims in a manner which would require a further search. The submission of this

amendment is solely for the purpose of assisting the Examiner in understanding the differences between the claimed invention and that of the cited prior art as will be shown below. Entry of the amendment submitted in the response to a final Office Action therefore advances prosecution and such action is respectfully requested.

The claims of the application stand rejected as unpatentable over Royer (U.S. Patent No. 6,308,911) in view of Ehrhart et al. (U.S. Patent No. 6,419,157). The Office Action states that Royer discloses a document 20 comprising a substrate and a play area. The Office Action states that the play area comprises an encoded game data portion 22 on the substrate. Ehrhart et al. is stated to disclose an icon layer (226) covered by a translucent, printable varnish layer (238) with both layers covered by a scratch-off material. The Office Action further states that the game data region comprises an encoded pattern of symbols (223). The rejection is hereby traversed and reconsideration is respectfully requested.

At the outset, page 8 of the present application defines the term "encoded game data portion" which means that the game data region, the non-game data region or both have a series of symbols in a form of a detectable pattern which can be read and analyzed by a validating machine, typically employing an optical detection system.

At the outset, it is important to differentiate between game data or play symbols and encoded game data. Game data or play symbols are those icons which are present beneath a scratch-off layer of a scratch-off lottery ticket which

determine whether a prize has been won. These symbols, of course, can be read by an optical scanning device. However, standard scratch-off tickets of the type described in the prior art do not provide an encoding system to enable tampering to be detected as in the present invention.

By way of example, a standard scratch-off lottery ticket has the game data or play symbols appearing beneath a scratch-off layer. Unscrupulous lottery players or lottery ticket retail agents can employ a technique known as "pin holing" to determine whether a particular symbol or symbols appear beneath the scratch-off layer that would result in a prize being won. The technique employs a pin which is used to make a very small hole in the scratch-off layer which can provide the player with a "glimpse" of what appears beneath the scratch-off layer where the pin hole is made. Once the player determines what is shown by the pin hole, the pin hole can be removed by covering the same with a scratch-off material such as an opaque latex.

By this technique, the player can ascertain a pattern (e.g. a play symbol is present or no play symbol is present) by comparing what is observed where the pin hole is made with a ticket in which the entire scratch-off layer has been removed. In other words, the game data or play symbols are printed in a certain general location within each box of a scratch-off ticket. By judiciously selecting a particular area of a box, a pin hole can provide the player with a fairly accurate indication of whether or not a play symbol or a particular play symbol is present in the box without removing the scratch-off layer.

The solution to this problem is provided in the present invention by the manner in which the game data or play symbols are printed on the substrate. In this regard, the game data or play symbol occupies a portion of each individual box of the scratch-off lottery ticket. Accordingly, the game data portion is the actual icon which appears in the box and is used to determine whether a prize has been won. The non-game data portion is the area that generally surrounds the icon.

In standard lottery tickets, the game data portion as defined above and the non-game data portion are printed so that the game data is discernable from the non-game data (e.g. printed in a different color). However, as previously described, pin holing techniques can be used to fraudulently determine the nature of the game data or icon appearing beneath the scratch-off layer.

The present invention provides for the encoding of the icon and/or the non-game data portion which surrounds the icon. Thus, the game data portion and/or the non-game data portion comprise a base layer printed in one type of ink and a second layer printed in another type of ink in an encoded pattern of symbols. This is shown in the present application by reference to Figures 2-3C and the accompanying description. Referring to Figure 2, there is shown a sample document in the form of a lottery ticket in which the play area is shown with the scratch-off layer removed to reveal a series of numbers and letters with one such letter or number (game data) appearing in each box or cell identified by the numeral 24. As will be observed, each play symbol appears in a different colored ink than the surrounding area (non-game data region). However, unlike the prior art, each cell and the play symbol and/or

non-game data region contained therein is provided with encoded symbols (in Figure 2 the encoded pattern of symbols is shown in the form of a pattern of "dots" which are in a pattern undetectable by a player intending to identify the play symbol by pin holing. Examples of a pattern of the encoded symbols are shown in Figures 3A-3C.

The encoded symbols can be made very small and the pattern is detectable by optical scanning devices. If a player attempts to pin hole through the scratch-off layer, the pin will engage one or more of the encoded symbols and thereby disrupt the pattern of encoded symbols present in the cell. The disruption of the pattern of encoded symbols is detectable by the optical scanning device which is programmed to read the encoded pattern of symbols and to reject any document where the encoded pattern of symbols is disrupted.

Thus, although the player can pin hole through the scratch-off layer and determine whether a particular play symbol or icon is present, and then cover the pin hole with latex when that player attempts to cash in the ticket, the ticket will be rejected because the encoded pattern of symbols has been disrupted.

As will be shown below, the prior art cited in the latest Office Action does not teach of suggest the claimed invention.

The patent to Royer is owned by the Assignee herein and is directed to a printed document which has a bar code imprinted beneath a scratch-off layer. The

only embodiment of the reference which is in anyway related to the present application is Figure 4 showing the bar code appearing in the play area. However, the bar code is not an encoded game data portion as defined in the present claims. The bar code is a series of bars that define an authentication system for authenticating a lottery ticket because the bar code can be read by an optical scanning device. However, as recognized in the Office Action, the bar code does not comprise the particular layers which are required in connection with the present invention. Furthermore, the bar code cannot be associated with the game data or icons because to do so would adversely affect the bar code making it unreadable by the optical scanning device for authentication purposes.

In citing Ehrhart et al. in an attempt to supplement the teaching of Royer, the Office Action states on page 5 that the intent of the Ehrhart et al. invention is to provide an improved design for lottery game tickets that "prevent peeking" into the win/loss status of the game. Before proceeding with an analysis of Ehrhart et al., it should be noted once again that the present invention <u>does not prevent</u> "peeking". What the present invention does is to <u>detect</u> when an attempt has been made to infiltrate the scratch-off layer without removing the same to determine whether a particular icon is present in a cell of the lottery ticket.

The Office Action states that Ehrhart et al. provides a substrate in the play area in which a first ink layer 226 forms the indicia which will be covered by the scratch-off material. This layer is shown in Figure 2-9. As can be seen therein, the

first ink layer 226 does not cover the entire play area because it forms only the game data or icons 223.

The Office Action then refers to a second, translucent material layer 228 which is printed over the game data to protect the indicia icon layer 226 and the icons 223 appearing therein.

The Examiner's attention is drawn to Figure 1 of the present application which discloses many of the customary layers used to form a lottery ticket and particularly the play area. As described beginning on page 9 of the present application, the play area 14 comprises 2 regions 16 and 18. Region 16 includes the game data, typically in the form of icons or symbols providing information as to the type of prize that may be won. The second region 18 includes protective varnishes, one or more scratch-off layers and one or more layers generally referred to as overprinting layers.

It is the first region 16 which contains the presently claimed system for detecting fraudulent intrusion of the play area. Protective varnishes such as described in Figure 1 of the present application and referred to as layer 228 of the Ehrhart et al. reference are conventional layers that are placed between the play indicia and the scratch-off layer. The purpose of the varnish layer is to make it easy to remove the scratch-off material without likewise scratching off the play indicia. The varnish layer is a hard coating layer which provides protection, not against the fraud, but against a legitimate player from accidentally scratching off the icon when the player legitimately removes the scratch-off layer to reveal such icons. Ehrhart et

al. provides the same description of the release layer or varnish layer at column 7, lines 11-15 (i.e. "the purpose of this layer is to protect indicia icons 223 of indicia icon layer 226 so that indicia icons are not removed when scratch-off layers of the game ticket are removed").

Column 12 of Ehrhart et al. describes the icon layer 226 and the outer layer 238 as exhibiting predetermined reflectance patterns. However, there is no provision in this reference for an encoded pattern of symbols in the icon layer or the surrounding area as shown in Figures 2-3C of the present application. The encoded pattern of symbols enable detection of fraudulent tampering in a more complete and thorough manner than could be obtained by merely using inks of different reflectance characteristics. For example, if a pin hole is made in the lottery ticket shown in Figure 2-9, and the nature of the icon 223 in icon layer 226 is thereby determined, the optical scanner will read the icon layer 226 and observe a particular reflectance characteristic which will be what was expected.

To the contrary, such a fraudulent scheme would be detected by the present invention, because the pin holing technique would have adversely affected the "encoded pattern of symbols" present therein. The optical scanner would be programmed to detect the encoded pattern of symbols and if the encoded pattern of symbols was disrupted, the fraudulent scheme would be detected using Applicants' system.

There is no teaching or suggestion in Ehrhart et al. of an encoded pattern of symbols used in the indicia icon layer whether an association with the indicia icon or the surrounding area or both which provides a significant improvement in detecting fraudulent tampering of documents including lottery tickets.

In view of the foregoing, Applicants submit that the present application is in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

It is believed that no fee is due in connection with this matter. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,

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